HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 3919 of 2007

Dated 6th July, 2007

Between

T.Ramesh and ors

…Petitioners

and

Vice Chancellor, Andhra University, Visakhapatnam
and ors

…Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 3919 of 2007

ORDER:

In this Writ Petition, the petitioners who are students of graduation in Bachelor of Arts and Commerce seek Writ of Mandamus to declare the action of the respondent-University in not allowing them to write second and third year examinations as illegal and arbitrary.

The fourth respondent-SVRK Degree College, Gavaravaram, of Eluru in West Godavari District was started during the academic year 2001-2002 and affiliated to Andhra University, at Visakhapatnam. The petitioners 1,2 and 3 had joined the said college in the year 2005 to pursue graduation and petitioners 4 to 7 had joined in the year 2004. The affiliation of the said college was renewed on year to year basis. But however, by proceedings of the Vice-Chancellor, Andhra

University, dated 09-01-2006, fourth respondent college was disaffiliated from the academic year 2005-2006. The said decision was taken based on the report dated 07-01-2006 of the Committee, which was constituted to enquire into the academic activities of the fourth respondent-college. While issuing the said proceedings of disaffiliation, the existing students of the fourth respondent-college, who are studying BA, B.Com and B.Sc courses were permitted to continue their course in another college, by name, Sir C.R.R. College, Eluru, so as to complete their course. The society which started the fourth respondent-College and the fourth respondent-College had questioned the proceedings of disaffiliation dated 9-1-2006 before this Court in Writ Petition No.1214 of 2006, which was disposed of by this Court by order dated 23-03-2006. In the said Writ Petition, it was the case of the management that the orders of disaffiliation were passed without providing opportunity and without furnishing report of the Committee constituted. When it was represented by the learned Counsel appearing for the respondent-University that a copy of the report is furnished afterwards for submission of their explanation, and, fresh decision would be taken by the Vice-Chancellor, the said Writ Petition was disposed of permitting the petitioner to submit explanation/response to the report of the Committee dated 07-01-2006 within a period of two weeks and further direction was issued to the Vice-Chancellor to take fresh decision accordingly. However, this Court directed the management not to make any admissions in the academic year 2006-2007.

In this Writ Petition, it is the grievance of the petitioners that in spite of earlier orders of this Court in Writ Petition No. 1214 of 2006, the respondents 1 to 3 have not issued hall-tickets and not allowed

them to write examinations of second and third year graduation courses. It is stated that in view of the orders of this Court in Writ Petition No. 1214 of 2006, there is no reason at all to prevent the petitioners from writing their examinations held in the month of March, 2007.

Counter affidavit is filed on behalf of the respondents 1 to 3 stating that while disaffiliating the fourth respondent-college, the University had permitted the students of the said college to join Sir C.R.R. College, Eluru, and, in spite of the same, the petitioners did not join the said college for the reasons best known to them. It is stated that the petitioners had paid the examination fee by way of Demand Drafts directly to the University though it was to be paid through college as per the procedure. It is further stated that some of the students of the fourth respondent-college had joined Sir C.R.R. College and appeared for examinations; but however, the students who did not join Sir C.R.R. College have submitted their examination applications through fourth respondent-college and they have not furnished the attendance particulars, which are essential to assess the eligibility to permit the students to appear for the examinations.

It is submitted by Sri T.Rajendhra Prasad, learned Counsel appearing for the petitioners that though affiliation was cancelled by proceedings dated 9-1-2006, but however, in view of the orders passed by this Court in Writ Petition No.1214 of 2006, dated 23-3-2006, there is no reason at all in not allowing the petitioners to write examinations. It is further submitted that fourth respondent-college also submitted attendance particulars of the petitioners on 14-11-2006 by addressing a letter.

On the other hand, it is submitted by Sri M.V.Rajaram learned Standing Counsel appearing for the respondent-University that though many students of the fourth respondent-College joined the other college, i.e. Sir C.R.R. College, Eluru, as permitted by the University in proceedings dated 9-1-2006, but however, the petitioners, for the reasons best known to them, did not join Sir C.R.R. college. It is further submitted that even fourth respondent-college did not forward the attendance particulars of the petitioners and in view of the same, the University was not in a position to assess the eligibility of the students to permit them to write examinations and as such, they were not issued hall-tickets to write examinations. The learned Counsel submits that the letter dated 14-11-2006 sent by the fourth respondent-college was not received by the University and the same is not on record of the University.

A committee was constituted by the respondent-University to enquire into the academic affairs of the fourth respondent-College and based on report of the Committee, orders dated 9-1-2006 were passed disaffiliating the fourth respondent. In the very same proceedings, students of the fourth respondent-college were permitted to join the other college so as to continue their studies. Though this Court in the earlier Writ Petition No.1214 of 2006 filed by the management directed to take fresh decision in the matter, but however, at the same time, the fourth respondent-college was prevented from making admissions in the academic year 2006-2007. Further, it is the case of the respondent-University that though examination applications of the petitioners were sent by the fourth respondent-college, but however, they did not forward the attendance particulars of the students. As per the academic regulations, to acquire eligibility to write examinations,

minimum percentage of attendance is prescribed. Though it is the case of the respondent-University that no attendance particulars are furnished, but however, the learned Counsel for the petitioners placed reliance on the letter dated 14-11-2006 addressed by the Principal of the fourth respondent-college to the University authorities. Receipt of the said communication is denied by the learned Standing Counsel for the respondent-University and he also states that such communication is not available in the records of the respondent-University. Even from a reading of the said letter dated 14-11-2006, it is clear that attendance particulars of the students are not furnished and merely it is stated that percentage of attendance is above 70%. In as much as the petitioners did not join other college though permitted by the University in the proceedings dated 9-1-2006, and in absence of attendance particulars furnished by the fourth respondent-college to the University, it cannot be said that the action of the respondents in not permitting the petitioners to appear for the examinations is illegal and arbitrary., In that view of the matter, I do not see any illegality warranting interference for grant of relief as sought in this petition filed under Article 226 of the Constitution of India.

The Writ Petition is devoid of merits and is accordingly dismissed. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATE: 6th July, 2007.
Msnr.